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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,363	09/28/2000	Robert Vincent Racunas JR.	RVR-001	8404..

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EXAMINER.

POPE, DARYL C

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 03/29/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.
09/671,363

Applicant(s)
RACUNAS

Examiner
DARYL C. POPE

Art Unit
2632



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 9, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION**ART REJECTION:*****Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomer(6,243,029).

-- In considering claim 21, the claimed subject matter that is met by Tomer includes:

1) the claimed wireless communications device is met by the users' communication devices(see: column 3, lines 31-36);

2) the claimed occupancy condition changing is met(see: column 4, lines 9-15).

- Tomer does not show:

1) the claimed server;

2) the claimed software application.

Although use of a server is not specifically shown by Tomer, it would have been obvious that a server would have been included in the system of Tomer, since Tomer does state that information concerning parking is communicated to a user via the Internet(column 3, line 64 et

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seq), which thereby implies that it would have been necessary for a server to be involved in the system of Tomer in order for the transfer of information over the Internet to occur.

Furthermore Tomer states that the remote central control unit which monitors, updates and transmits parking data to users, includes a multi-integrated interactive database and is preferably a computer system(column 3, lines 38-41). Since the system of Tomer is designed to monitor a and serve a large quantity of parking areas, and as well subscribers, and as well is computer system operated, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a software application which instructs the server to transmit parking data over the Internet, since the system of Tomer is already computer operated and as well communications information via the Internet, and therefore an instructing software application would have provided the most efficient means of controlling and instructing the computer system of the control unit of Tomer.

-- Claim 22-34 recite subject matter that was met as discussed in claim 21 above(see: column 3, lines 3 et seq).

-- Claim 35 recites subject matter that was met as discussed in claim 21 above, except for:

1) the claimed real-time representation comprising a map identifying a location of at least one available parking space.

Although Tomer does not specifically show the use of a map showing real-time representation, Tomer does state that data transmitted from the central control unit can be used for informing other drivers of parking location availability(see: column 4, lines 12-15). Use of visual

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displays showing available parking locations is well known in the art of vehicle parking, and therefore, since Tomer desires to provide available parking space location information to users of the system, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an Internet display device having a map identifying the location of available parking spaces, since this would have provided an efficient means of communicating location information to a user of the system of Tomer.

-- Claims 36-40 recite subject matter that was met as discussed in claim 35 above(see: column 3, lines 1 et seq).

REMARKS:

Response to Arguments

3. Applicant's arguments with respect to claims 21-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314(for formal communications intended for entry)

and as well:

(703) 872-9314(for informal or draft communications, please label

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“PROPOSED” or “DRAFT”)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daryl C. Pope whose telephone number is (703) 305-4838. The examiner can normally be reached on M-Th from 8:30 to 6:00. The examiner can also be reached on alternate Fridays from 8:30 to 5:00 since the examiner works on a flex-time schedule in which every other Friday is the examiner's day off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Daryl C. Pope



DARYL POPE
PRIMARY EXAMINER

March 20, 2002